



CODE ENFORCEMENT BOARD HEARING AGENDA

MONDAY
November 25, 2024 - 9:30 AM
PONCE INLET, FL

TOWN COUNCIL CHAMBERS
4300 S. ATLANTIC AVE.,

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL & DETERMINATION OF QUORUM.
4. ADOPTION OF AGENDA.
5. DISCLOSURE OF EX-PARTE COMMUNICATION. *Code Enforcement cases are quasi-judicial and receipt of any information or discussion of any case outside of the public hearing is strongly discouraged. If a board member obtains any information or discusses any case outside the public hearing process, this information must be disclosed in detail by the board member prior to the presentation of the case and may not be considered by the board member when making any decision related to the case.*
6. ADMINISTERING THE OATH TO WITNESSES: Attorney Cino
7. APPROVAL OF THE MINUTES:
 - A. July 22, 2024
8. OLD BUSINESS:
9. NEW BUSINESS:
 - A. Case # 2024-022: Property Address: 4787 South Atlantic Avenue
Owner(s) KM O'Donnell Port Orange, LLC
c/o Kevin & Mary O'Donnell
Alleged Violation(s): no address posted
 - B. Case # 2024-752: Property Address: 4787 South Atlantic Avenue
Owner(s) KM O'Donnell Port Orange, LLC
c/o Kevin & Mary O'Donnell
Alleged Violation(s): removal of protected vegetation
 - C. Case # 2024-706: Property Address: 111 Beach Street
Owner(s): Mary Callahan Noss
Alleged Violation(s): Tree removal without valid permit

- D. Case # 2024-728: Property Address: 96 Oceanview Avenue
Owner(s): Julie Glass
Alleged Violation(s): Line of sight requirements / corner lot
- E. Case # 2024-758: Property Address: 76 Glenview Avenue
Owner(s): Ashley Beck
Alleged Violation(s): Work without permits
- F. Case # 2024-833: Property Address: 4699 South Atlantic Avenue
Owner(s): Donna Loggie
c/o Loggie Family Qualified Residence Trust
Alleged Violation(s): Work without permits

10. ATTORNEY DISCUSSION.

11. BOARD/STAFF DISCUSSION.

12. ADJOURNMENT.

Next hearing date: Monday, January 27, 2025

If a person decides to appeal any decision made by the Code Enforcement Board with respect to any matter considered at a hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require accommodation to attend this hearing should contact the Clerk's office at 386-236-2150 by 4:00 pm at least 48 hours in advance of the meeting to request such assistance.



Meeting Date: November 15, 2024

Agenda Item: 7-A

Report to Code Enforcement Board

Topic: July 22, 2024 Hearing Minutes

Summary:

Staff has prepared the attached set of hearing minutes for the Board's review and approval.

Suggested motion:

To approve the attached set of hearing minutes As Presented - OR - As Amended

Requested by:

Ms. Stewart, Assistant Deputy Clerk

Approved by:

Mr. Disher, Town Manager



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
July 22, 2024**

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5
6 **1. CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council Chambers,
7 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

8
9 **2. PLEDGE OF ALLEGIANCE:** Led by Chair Finch.

10
11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

13 Ms. Richards, Seat #1

14 Mr. Van Valkenburgh, Seat #2

15 Mr. Finch, Seat #3, Chair

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5, Vice-Chair

18 Mr. Fuess, Alternate Seat #1

19 Ms. Rij, Alternate Seat #2

20
21 A quorum was established with five members and two alternates present.

22
23 **Staff Members Present:**

24 Attorney Cino, Code Board Attorney

25 Mr. Hooker, Code Compliance Manager

26 Mr. Mincey, Rental Property Maintenance & Housing Inspector

27 Attorney Smith, Town Attorney

28 Ms. Stewart, Assistant Deputy Clerk

29
30 **4. ADOPTION OF THE AGENDA:** Chair Finch announced Item 9-A will be heard after
31 the approval of the minutes by request.

32
33 Chair Finch moved to adopt the agenda as amended; seconded by Vice-Chair Cannon. The motion
34 PASSED 5-0, consensus.

35
36 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

37
38 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
39 *Oath* to the witnesses who intended to provide testimony.

40
41 **7. APPROVAL OF THE MINUTES:**

42
43 **A. June 24, 2024 -** Vice Chair Cannon moved to adopt the minutes as presented;
44 seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Vice-Chair Cannon –
45 yes; Mr. Michel – yes; Chair Finch – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes.

46
47 **9. NEW BUSINESS:**

49 **A. Case # 2024-412; Property Address: 70 Seawinds Circle**
50 **Owner(s): Dennis & Teresa Craig**
51 **Alleged Violation(s): Rental permit requirements**
52

53 Attorney Smith explained the Town is going to “*nolle pros*” this case; however, Judge Craig is
54 present, and the Town would like to provide him the opportunity to tell the Board what his
55 objections are. Judge Craig has provided staff with his objections and arguments. Attorney Smith
56 stated that after reviewing those, he decided they are valid questions and that an opinion from the
57 Attorney General is warranted. The Town is withdrawing the case.
58

59 Judge Dennis Craig, 68 Seawinds Circle, stated his belief that this is going to be a recurring
60 problem and because of that, he wanted to apprise the Board of the issue, noting that the Town
61 Council may be interested in the matter as well. He explained he has a long-term rental, and the
62 violation was for failing to submit a rental application. He submitted the application and paid the
63 \$500 fee. He received this violation after he raised an objection to the Town Council about
64 applying the \$500 fee to long-term rentals, which he said could be argued as a tax. He stated that
65 his issue with this violation is preemption; he provided a copy of the Florida Statute 83.425 to the
66 Board, and cited the language that relates to the state preempting any local government regulations
67 on the landlord/tenant relationship. He argued the Town’s ordinance relative to regulating
68 residential tenancies is null and void upon the effective date of this statute which was July 1, 2023.
69 He provided the Board with copies of the transient rental tax law under F.S. Section 212.03, noting
70 that according to that definition, there is no permission to tax rentals on single-family residences
71 at all. He then provided the Board with copies of the Florida Senate Bill Analysis and Fiscal Impact
72 Statement for SB 1586, and cited sections on anticipated private-sector and public-sector impacts.
73 Judge Craig concluded by stating his position that when the state preempts a local government,
74 you cannot regulate or do any of those things unless it is in a separate statute, like the vacation
75 rental statute, which gives the town that authority.
76

77 **8. OLD BUSINESS:**
78

79 **A. Case # 2024-433; Property Address: 102 Rains Drive**
80 **Owner(s): Jason & Jessica Prince**
81 **Alleged Violations(s): Work without permits**
82

83 Mr. Hooker reviewed the case history and violations, noting the case was presented to this board
84 on June 24, 2024, which found the owners in non-compliance, granted the owners until July 22,
85 2024, to have the property in compliance or bring back to today’s hearing date. As of today, the
86 permit has been secured, inspections have taken place, and the \$250 administrative fee has been
87 paid. Staff requests to find the property in compliance and to dismiss the case.
88

89 Vice-Chair Cannon moved to find that the property was in non-compliance; is now in compliance;
90 and to dismiss the case; seconded by Ms. Richards. The motion PASSED 5-0, with the following
91 vote: Vice-Chair Cannon - yes; Ms. Richards – yes; Chair Finch - yes; Mr. Michel – yes; Mr. Van
92 Valkenburgh - yes.
93

94 **B. Case #2024-446; Property Address: 101 Old Carriage Road**
95 **Owner(s): Lucille & Bruce Lambert Charitable Foundation, Inc.**
96 **Alleged Violations(s): Property maintenance issues involving lot and dwelling**
97

98 Mr. Hooker reviewed the case history and violations, noting that the case was presented to this
99 board on June 24, 2024, which found the owners in violation of the cited sections of code, assessed
100 the \$250 administrative fee, and ordered to secure the permit and have the final inspections
101 performed by August 26, 2024. As of today, the permit has been secured, all the inspections have
102 taken place; the property is now in compliance, but the \$250 administrative fee is outstanding.
103 Staff requests to reiterate the order of non-compliance and to dismiss the case.

104

105 Mr. Van Valkenburgh moved to find the property was in non-compliance; is now in compliance;
106 and to dismiss the case; and will reopen the case if the \$250 administrative fee is not paid;
107 seconded by Chair Finch. The motion PASSED 5-0, with the following vote: Mr. Van Valkenburgh
108 – yes; Chair Finch – yes; Ms. Richards – yes; Vice-Chair Cannon – yes; Mr. Michel – yes.

109

110 **9. NEW BUSINESS:**

111

112 **B. Case # 2024-553; Property Address: 4495 South Atlantic Avenue #404**

113 **Owner(s): Amanda France**

114 **Alleged Violation(s): Violation of Rental Permit Requirements**

115

116 Mr. Hooker provided testimony and photographic evidence of the cited violations of code relating
117 to the short-term rental permit. He noted that Ms. France is present today and asked that she be
118 sworn in. Chair Finch requested she state her name and address for the record: Amanda France,
119 14740 Cablesire Way, Orlando, Florida. Attorney Cino administered the *Oath* to Ms. France. Mr.
120 Hooker continued to provide testimony and photographic evidence of the cited violations of code;
121 he showed the rental permit for Ms. France, and lease between Ms. France and her tenant, Blue
122 Toucan Homes, LLC. He reviewed key points of the lease, noting the lease term is October 1, 2023
123 to September 30, 2024; use of the property will be as a full-time residential dwelling unit. He
124 reviewed the background of the case, including correspondence between Mr. Mincey and Ms.
125 France as well as leasing agreement records for January through March 2024, including Airbnb,
126 provided by Ms. France to staff. According to these records, there are instances of 28-day stays,
127 as well as multiple stays for less than 28 days. On June 7, 2024, Mr. Mincey requested copies of
128 the 28-day stay agreements from Ms. France, which have not yet been received. Discussion ensued
129 regarding the ownership of the tenant, Blue Toucan Homes, LLC. It was noted that Ms. France is
130 listed as the authorized agent for the company and the mailing address is her physical address in
131 Orlando. Ms. France explained that her assistant manages the business, and she herself is separate
132 from it.

133

134 Mr. Hooker stated this case began on May 22, 2024, when Ms. Terry Woodruff, a resident and
135 owner within East Winds Condominiums, began emailing the town regarding Ms. France's unit.
136 There were three separate rentals at the unit in June for less than 28 days. Mr. Hooker reviewed
137 the emailed complaints, photographic evidence, and testimony received from Ms. Woodruff,
138 confirming that the dates matched with Mr. Mincey's testimony. Mr. Mincey visited the property
139 multiple times after receiving Ms. Woodruff's emails and met several different people at the
140 property within the May 25 – June 24, 2024 timeframe, all of whom stated they were renting the
141 condo. Photographs of vehicles parked in the residence's parking space were provided to staff
142 prior to the hearing; one from June 6, 2024 with Ohio plates, another from June 8th to June 12th
143 with Tennessee plates and a third from June 22nd to June 28th with North Carolina plates. Mr.
144 Hooker asked Mr. Mincey to confirm that they used the word "renting," which Mr. Mincey
145 confirmed they did.

146

147

148 Mr. Hooker explained that Ms. Woodruff was unable to be present at the hearing today but
149 provided a sworn affidavit for her testimony; it states the property was occupied from May 22,
150 2024 to May 25, 2024; new occupants arrived on May 25, 2024 and departed on June 4, 2024; and
151 different occupants arrived on June 4, 2024 and departed on June 6, 2024. Ms. Woodruff has also
152 stated she has concerns about the cost of increased property maintenance to owners, noting that
153 elevators were vandalized; feces were smeared on bathroom walls and mirrors and put in the soap
154 dispensers; items were left in corridors blocking exits and stairways; children were using the pool
155 unattended; dogs were present on the pool deck, which is not allowed; people were walking over
156 the dunes; etc.

157
158 Mr. Hooker asked Ms. France to provide her testimony. Ms. France said she has been an owner
159 here for 15 years and believed she was in compliance by having the long-term lease with Blue
160 Toucan Homes, LLC. Her assistant manages that company for her and informs her when
161 friends/family will be using the property. Her testimony included that her assistant is from Ohio,
162 and she believes the vehicle from Ohio in June is likely hers. She explained overlapping dates on
163 the AirBnB calendar that was provided to town staff could be because some tenants left early due
164 to malfunctioning A/C and washer/dryer units, which have since been replaced (permitted and
165 installed professionally). Board members questioned Ms. France on some of the dates and who the
166 tenants were. Ms. France responded that she would need to follow-up with her assistant. The Board
167 discussed the case; the information regarding Blue Toucan Homes, LLC and that it was intended
168 as a home management company. Ms. France testified that the property is currently advertised on
169 VRBO as a 28-day rental. Attorney Smith stated the town is seeking an order of non-compliance
170 and the \$250 administrative fee; however, it would be prosecuted as a repeat offense if there should
171 be evidence of future short-term rentals.

172
173 Chair Finch moved to find the property was in non-compliance; is now in compliance; to assess
174 the \$250 administrative fee; and to dismiss the case; seconded by Mr. Michel. The motion PASSED
175 3-2, with the following vote: Chair Finch - yes; Mr. Michel - yes; Ms. Richards - no; Mr. Van
176 Valkenburgh - no; Vice-Chair Cannon - yes.

177
178 **10. ATTORNEY DISCUSSION:** None.

179
180 **11. BOARD/STAFF DISCUSSION:** Ms. Richards announced that Senate Bill 280 regarding
181 vacation rentals was vetoed by Governor DeSantis.

182
183 **12. ADJOURNMENT:** The hearing was adjourned at 10:47 a.m.

184
185 Next hearing date: Monday, August 26, 2024

186
187 Respectfully submitted by,

188
189 *Draft*

190
191 _____
192 Debbie Stewart, FCRM
Assistant Deputy Clerk



Meeting Date: November 25, 2024

Agenda Item: 9-A

Report to Code Enforcement Board

Topic: Case #2024-022
Owner(s): KM O'Donnell Port Orange, LLC
c/o Kevin & Mary O'Donnell
Property Address: 4787 South Atlantic Avenue
Alleged Violation(s): no address posted

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: November 8, 2024

DATE OF MEETING: November 25, 2024

Case Number: 2024-022

Address: 4787 South Atlantic Avenue

Alleged Violation:
 Numerical address to be posted on beachside

Code of Ordinances
 Section 18-4 – Posting of address numbers

Brief History:
 In December 2023, Town Council passed ordinance 2023-06, mandating that all properties adjacent to the beach display their physical address on the oceanfront side. Property owners have 120 days, until April 16, 2024, to comply with this requirement.

Following additional discussions with residents, the Council amended this regulation on April 18, 2024, through ordinance 2024-01. This amendment granted an additional 60 days for compliance, extending the deadline to June 17, 2024.

In January 2024, staff sent out courtesy letters to those properties impacted by the ordinance change, distributing over 85 letters between January and April 2024. When the ordinance was amended in April 2024, staff conducted beach inspections and found that about half of the properties remained non-compliant. A second round of courtesy letters was then issued in April followed by re-inspections.

On June 27, 2024, after conducting another re-inspection and observing continued non-compliance, a formal notice of violation was issued, giving the property owner until July 30, 2024 to comply.

On November 8, 2024, staff met with the owner and advised him of the upcoming hearing. The owner stated that he had previously posted the address numbers, but they were removed during the recent storms. He assured staff that he would replace the numerical address before the hearing.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida Statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000022**

Case Type: **Code Enforcement**

Date Case Established: **01/02/2024**

Compliance Deadline: **07/30/2024**

Violation Notice

Owner: KM Odonnell Port Orange LLC

Mailing Address

2 Mar Azul North
Ponce Inlet, Florida 32127

Notice of Violation for the following location:

Address

4787 South Atlantic Avenue
PONCE INLET, FL 32127

Parcel

6430-09-00-0010

This violation letter is to advise you that staff has observed a violation at that the property, in which according to the Volusia County Property Appraiser's Office, is owned by you located in Ponce Inlet.

In December 2023, the Town of Ponce Inlet updated an ordinance that required all properties facing the Ocean, to add their address facing the beach. Staff sent a courtesy letter to all property owner with a compliance date of April 2024.

There was a small change to the ordinance in March, to allow only the numerical to be posted. Staff sent out another courtesy letter to the property owners of the change and granted them until June 2024 to comply. As of today's date (June 27, 2024) your property remains in violation .

The violation and how to correct are:

1 – Post numerical address facing the ocean which is to be located on your property

How to correct:

Item number 1 – numerical lettering a minimum of 12 inches to be posted to any permanent seawall, fence, sign, or to a vertical structure. Once completed, you must notify this office for an inspection to determine compliance.

You are hereby cited with the following sections of code.

Code of Ordinance

Section 18-4 – Posting of address numbers

All buildings in the town shall have their assigned address numbers properly displayed. It shall be the duty of the owners and occupants of each building to post the assigned address number on the property in the following manner:

(a) The address number shall be affixed to the front of the building or to a separate structure to the front of the building (such as a mailbox, post, wall, fence, etc.) in such a manner so as to be clearly visible and legible from the public or private way on which the building fronts from both directions.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000022**

Case Type: **Code Enforcement**

Date Case Established: **01/02/2024**

Compliance Deadline: **07/30/2024**

Violation Notice

(b) Numerals shall be Arabic and shall not be less than three inches in height and one-half inch in width.

(c) The numerals shall be of a contrasting color with the immediate background of the building or structure on which such numerals are affixed.

(d) For properties abutting the Atlantic Ocean, this requirement shall also apply to the rear of the property facing the beach so that the address number is visible from the beach. In addition, all beachfront multifamily buildings and commercial buildings shall also display the street name. Alternately, address letters and/or numerals facing the beach may be affixed to any permanent seawall, fence, sign, or other vertical structure acceptable to the chief building official or designee as long as they are visible from the beach. Address letters and/or numerals required to be visible from the beach shall be a minimum of 12 inches in height. The beachfront addressing for all properties abutting the Atlantic Ocean shall be in place within 120 days of the effective date of the amending ordinance.

Compliance Date: 7/30/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for August 26, 2024, at 9:30 A.M. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please do not hesitate to call my office

Kind Regards,

David Hooker, CEP
Code Compliance Manager

Certified Mail
7022-3330-0001-2567-6166



Meeting Date: November 25, 2024

Agenda Item: 9-B

Report to Code Enforcement Board

Topic: Case #2024-752
Owner(s): KM O'Donnell Port Orange, LLC
c/o Kevin & Mary O'Donnell
Property Address: 4787 South Atlantic Avenue
Alleged Violation(s): removal of protected vegetation

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: November 8, 2024

DATE OF MEETING: November 25, 2024

Case Number: 2024-752

Address: 4787 South Atlantic Avenue

Alleged Violation:
Removal of protected vegetation

Land Use and Development Code
Section 9.4 – Definitions (Designated Protection Zone)
Section 4.10-1 – Purpose and Intent
Section 4.10.3 – Landscaping, buffering, and screening
Section 4.10.4 – Tree / Vegetation and Removal

Brief History:
On September 28, 2024, staff received an email from Volusia County referencing a complaint about the removal of sea grapes, which are protected under Florida Statutes, being removed from this beachfront property. An investigation was conducted, confirming that the vegetation had indeed been removed.

The owners were contacted and indicated that they were out of the country. They stated they would return in a few weeks and would call this office upon their return.

On October 31, 2024, the owner called to inform us that they had returned to Town and visited the property but had no knowledge of who may have removed the vegetation. An appointment was scheduled for November 8, 2024, during which staff met with the owner

to discuss compliance requirements. The owner assured staff that the necessary work to restore the vegetation before the hearing date.

After a lengthy and detailed conversation, staff observed that, although the vegetation had been cut back, new growth had occurred, and the vegetation appeared healthy. The owner agreed to obtain the necessary permits from the relevant agencies to ensure compliance in the future.

The owner was also informed that this case will be presented to the Code Enforcement Board on November 25, 2024, for further discussion.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida Statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000752**

Case Type: **Code Enforcement**

Date Case Established: **09/28/2024**

Compliance Deadline: **11/20/2024**

Violation Notice

Owner/Violator: KM ODonnell

Mailing Address

2 Mar Azul
Ponce Inlet, 32127

Notice of Violation for the following location:

Address

4787 S ATLANTIC AV
PONCE INLET, FL 32127

Parcel

34163009000011

This violation letter is to inform you that staff has observed a violation at that the property, in which according to the Volusia County Property Appraiser's Office, this property is owned by you, located in Ponce Inlet.

The violation and how to correct are as follows:

1 – removal of sea grapes without authorization or permits

How to correct

Item number 1 – replace all vegetation that was removed

You are hereby cited with the following sections of adopted Town code

Land Development Code

Section 9.4 – Definitions (Designated Protection Zone)

Designated protection zone. Areas on a property where trees and vegetation are protected from removal in accordance with section 4.10.

Land Development Code

Section 4.10.1 – Purpose and Intent (E & F)

The purpose of this section is to establish minimum standards for protecting existing native trees and vegetation and for the design, installation, and maintenance of landscaping and buffers. These standards incorporate principles of Florida-Friendly landscaping pursuant to F.S. § 166.048, and are intended to achieve the following:

A. Aesthetics and value: Contribute to the natural beauty and land value of the town by harmonizing and enhancing its natural and built environments.

B. Public safety: Employ landscaping as an integral element in site design to orient and reinforce circulation patterns, to separate motor vehicle and pedestrian movement, and to control views and define spaces in the built environment.

C. Environmental quality: Utilize the numerous environmental benefits of existing native vegetation, trees, and supplemental landscaping to:



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000752**

Case Type: **Code Enforcement**

Date Case Established: **09/28/2024**

Compliance Deadline: **11/20/2024**

Violation Notice

- Improve air and water quality through photosynthesis, mineral uptake, and biological filtering;
- Reduce air, light, noise, heat, and chemical pollution;
- Decrease energy demand by creating shade, reducing heat gain from buildings and paved areas, and lowering microclimate temperatures through evapo-transpiration;
- Minimize the need for pesticides and fertilizers that contribute to nonpoint source pollution of water resources.

D. Community character: Preserve, maintain, and reestablish the shade tree canopy throughout the town, environmentally sensitive resources and productive natural ecosystems.

E. Natural habitat: Preserve, maintain, and reestablish environmentally sensitive resources, productive natural ecosystems, and the ecological range of habitats between the Atlantic Ocean and the Halifax River, encompassing the beach, dunes and maritime hammock.

F. Coastal hazards: Protect property and infrastructure from storm events, floods, and sea-level rise through soil and shoreline stabilization.

G. Efficiency: Promote economically efficient development of limited land resources by incorporating existing native vegetation and trees for landscaping and buffering purposes.

H. Water conservation: Encourage irrigation practices in conjunction with Volusia County water-wise standards that conserve local water supplies and minimize adverse effects on surface and groundwater resources.

I. Buffering: Provide for effective and aesthetic transitions between incompatible land uses in close proximity to one another.

J. Cultivation: Increase access to fresh produce by incorporating fruit trees and vegetable gardens into the landscape.

Land Development Code

Section 4.10.3 (Landscaping, buffering, and screening)

(G – Maintenance)

1. Responsibility for maintenance. The current property owner shall be responsible for maintenance of all landscape areas, irrigation, designated protection zones, protected trees, and hardscape improvements in accordance with the standards of this code and any approved development permit/order exhibits and representations. Maintenance standards shall apply to all properties, whether vacant or developed.

2. Standards for maintenance. Landscape areas, designated protection zones, and protected trees shall be maintained in healthy condition pursuant to accepted industry practices. Landscape areas shall not become overgrown with weeds, infested by invasive exotic plant species or vermin, or become a source of erosion, stormwater runoff, or pollution. Landscape areas and site improvements shall be kept free from refuse and debris. Irrigation systems shall be fully operational. Hardscape improvements shall be kept in good repair and maintained in their approved location. Mulch shall be kept at the proper coverage and depth. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, mowing, and other standard horticultural practices so as to grow to their normal shape, color, and height, and meet the requirements of this section. Dead trees that may cause



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000752**

Case Type: **Code Enforcement**

Date Case Established: **09/28/2024**

Compliance Deadline: **11/20/2024**

Violation Notice

imminent personal injury or significant property damage to existing structures and adjoining property shall be removed. All dead plants shall be replaced as required. All damaged plants including lawn grass shall be replaced or restored.

3. Violations and appeals. Pursuant to section 4.10.6.

Land Development Code Section 4.10.4 – Tree/Vegetation and Removal (A -Permit applicability and exemptions)

1. Permit required for tree/vegetation removal. Except as provided below, a permit is required to clear land, alter the existing grade, or otherwise remove any protected tree or vegetation (as defined in article 9) on any property within the town.

a. A tree/vegetation removal permit is required for the removal of individual trees and/or the clearing of trees and vegetation, unless exempted below.

b. Changes to the existing or natural grade require a grading permit.

c. A separate tree/vegetation removal permit is not required for land clearing, grading, and/or removal of trees or vegetation in conjunction with any activity for which a development permit is required.

d. Cutting or removal of trees and vegetation on public property must first be authorized by the town, pursuant to Code of Ordinances chapter 82, section 82-1.

2. Permitting exemptions. The following activities are exempt from obtaining a tree/vegetation removal permit:

a. Selective pruning and thinning of trees and vegetation for the purpose of maintaining and encouraging the general long-term ecological integrity, productivity and sustainability of natural plant communities and landscaping.

b. Selective pruning and thinning of trees and vegetation as necessary to survey property lines and structures.

c. Pruning, thinning, and removal of vegetation and trees within existing public or private rights-of-way or easements to maintain utility systems, electrical service, and visual clearance for drivers, and to construct public infrastructure improvements.

d. Pruning, thinning, and removal of trees and understory vegetation not defined as protected in article 9.

e. Removal of invasive and/or noxious plant species, as established on the Florida Exotic Pest Plant Council List of Invasive Species as may be amended.

3. Permit fee and tree replacement mitigation exemptions. The following activities require a tree removal permit but are exempt from permit fees in all cases, and from tree replacement mitigation provided the number of trees remaining on the property still meets the minimum requirement under section 4.10.3. Such exemptions are limited to the removal of trees that have the potential to cause imminent or future personal injury or significant damage to existing buildings and structures.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000752**

Case Type: **Code Enforcement**

Date Case Established: **09/28/2024**

Compliance Deadline: **11/20/2024**

Violation Notice

- a. Trees that are clearly and completely dead, as determined by the Town or professional arborist, including dead trees required to be removed pursuant to paragraph 4.10.3.G.
- b. Trees that are weakened by age, storm, fire, or disease and have the potential to fall on existing buildings and structures;
- c. Trees demonstrated to have already caused property damage and are likely to do so again if not removed; and
- d. Trees located within eight feet of an existing principal structure on single- and two-family lots.

The property owner shall provide proof of the injury or damage, including photographs, repair receipts/estimates, or other acceptable documentation. When time is of the essence and immediate removal of the tree is necessary, the director may verbally authorize such removals, but shall issue the written permit within five working days.

Land Development Code

Section 4.10.4 – Tree/Vegetation protection and removal (C – Protection of specimen and historic trees)

1. Specimen and historic trees are protected even outside of designated protection zones. The species and sizes of specimen and historic trees are defined in article 9.

2. A reasonable effort shall be made to reposition the footprint of a proposed principal or accessory structure to save any historic or specimen trees.

3. Specimen trees in parking or driving areas shall not be removed if practicable alternative locations can be provided. The town council may reduce or waive parking standards to avoid removing or damaging a specimen or historic tree.

4. Every attempt shall be made to avoid placing a stormwater management/drainage facility or any other improvement which requires the removal of a specimen tree. Where necessary to place such improvements in close proximity to a specimen tree, the town shall require measures to protect the long-term health of the tree, such as retaining walls, tree wells, root pruning, concrete pavers, turf block, root drainage systems, subsurface soil stabilization systems, special fill procedures and other appropriate restrictions required by subsection 4.10.4.D.

Compliance Date: 11/20/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for November 25, 2024, at 9:30 AM. Located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000752**

Case Type: **Code Enforcement**

Date Case Established: **09/28/2024**

Compliance Deadline: **11/20/2024**

Violation Notice

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida Statutes 162.09(3).

If you should have any further questions related to this matter, please do not hesitate to contact my office

Kindest Regards,

David Hooker, CEP
Code Compliance Manager

Hand Delivered



Meeting Date: November 25, 2024

Agenda Item: 9-C

Report to Code Enforcement Board

Topic: Case #2024-706
Owner(s): Mary Callahan Noss
Property Address: 111 Beach Street
Alleged Violation(s): Tree removal without valid permit

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: November 8, 2024

DATE OF MEETING: November 25, 2024

Case Number: 2024-689

Address: 111 Beach Street

Alleged Violation:
Removal of a tree without permit.

Land Use and Development Code

Section 4.10.4 – Tree/Vegetation Protection and Removal (A-1), (3)
 Section 4.10.5 – Procedures (B-1), (B-2)
 Section 4.10.6 – Violations and Appeals

Florida Statutes

Chapter 163.045 – Tree Pruning, Trimming, or removal on residential property

Brief History:

On September 13, 2024, staff observed tree removal taking place without permits. Staff advised the contractor and owner of the requirements of Florida Statutes. Contractor advised that they would be in later that day to secure the required permit.

Contractor provided a letter indicating that the tree needed to be removed, however, the letter did not provide the assessment procedures as outlined in Best Management Practices – Tree Risk Assessment, Second edition (2017) and didn't indicate the other requirements as written within the Florida Statutes. Thus, a formal notice of violation was issued, granting the owners until October 4, 2024, to comply.

As of the date of this report, no further contact has been made with the owners or contractor, nor any further information has been provided to staff to issue the permit.

Recommendation: The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2023-000689**

Case Type: **Code Enforcement**

Date Case Established: **09/13/2024**

Compliance Deadline: **10/04/2024**

Violation Notice

Contractor: Legends Tree Experts c/o Alexander Brown

Property Owner: Mary Callahan Noss

Mailing Address

304 Cavanah Dr
Holly Hill, FL 32117

Notice of Violation for the following location:

Address

111 BEACH ST
PONCE INLET, FL 32127

Parcel

643000040064

Ms. Noss:

An inspection of the property at the above address has revealed that you have committed violations of the Land Use and Development Code, Section 4.10.4, 4.10.5 and 4.10.6.

Specifically, removal of a tree without a valid permit issued by the town of Ponce Inlet.

Please note, said statutes require an assessment to be performed in accordance with "best management practices- Tree Risk Assessment (2017)" performed and signed by an ISA certified arborist or licensed landscape architect. In order for trees to be removed without permits, the assessment must find and set forth that the trees to be removed present an "unacceptable risk to persons or property". Merely finding that a tree could pose a threat to persons or property does not satisfy the statutory exemption from permitting. Upon review, the tree removal that was performed did not satisfy the requirements of Section 163.045 Florida statutes and was removed in violation of the Land Development Code of the town.

IRREPARABLE VIOLATION: Due to the nature of this violation, in accordance with section 162.09(2)(a)(1), Florida Statutes, the Town shall request the Code Enforcement Board find the violation related to the tree removal to be irreparable and shall request the Board impose fines in the amount of \$5,000 for any tree unlawfully removed.

You are hereby cited with the violations of the above stated Code Sections, which sections are enclosed herewith for your reference, as a result of the unpermitted tree removal without the required permit.

4.10.4 - Tree/vegetation Protection and Removal (A-1)



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2023-000689**

Case Type: **Code Enforcement**

Date Case Established: **09/13/2024**

Compliance Deadline: **10/04/2024**

Violation Notice

A. *Permit applicability and exemptions.*

1. *Permit required for tree/vegetation removal.* Except as provided below, a permit is required to clear land, alter the existing grade, or otherwise remove any protected tree or vegetation (as defined in article 9) on any property within the town.

- a. A tree/vegetation removal permit is required for the removal of individual trees and/or the clearing of trees and vegetation, unless exempted below.
- b. Changes to the existing or natural grade require a grading permit.
- c. A separate tree/vegetation removal permit is not required for land clearing, grading, and/or removal of trees or vegetation in conjunction with any activity for which a development permit is required.
- d. Cutting or removal of trees and vegetation on public property must first be authorized by the town, pursuant to Code of Ordinances

4.10.4 - Tree/vegetation Protection and Removal (3)

3. *Permit fee and tree replacement mitigation exemptions.* The following activities require a tree removal permit but are exempt from permit fees in all cases, and from tree replacement mitigation provided the number of trees remaining on the property still meets the minimum requirement under section 4.10.3. Such exemptions are limited to the removal of trees that have the potential to cause imminent or future personal injury or significant damage to existing buildings and structures.

- a. Trees that are clearly and completely dead, as determined by the Town or professional arborist, including dead trees required to be removed pursuant to paragraph 4.10.3.G.
- b. Trees that are weakened by age, storm, fire, or disease and have the potential to fall on existing buildings and structures;
- c. Trees demonstrated to have already caused property damage and are likely to do so again if not removed; and
- d. Trees located within eight feet of an existing principal structure on single- and two-family lots. The property owner shall provide proof of the injury or damage, including photographs, repair receipts/estimates, or other acceptable documentation. When time is of the essence and immediate removal of the tree is necessary, the director may verbally authorize such removals, but shall issue the written permit within five working days.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2023-000689**

Case Type: **Code Enforcement**

Date Case Established: **09/13/2024**

Compliance Deadline: **10/04/2024**

Violation Notice

Land Development Code 4.10.5 – Procedures (B-1)

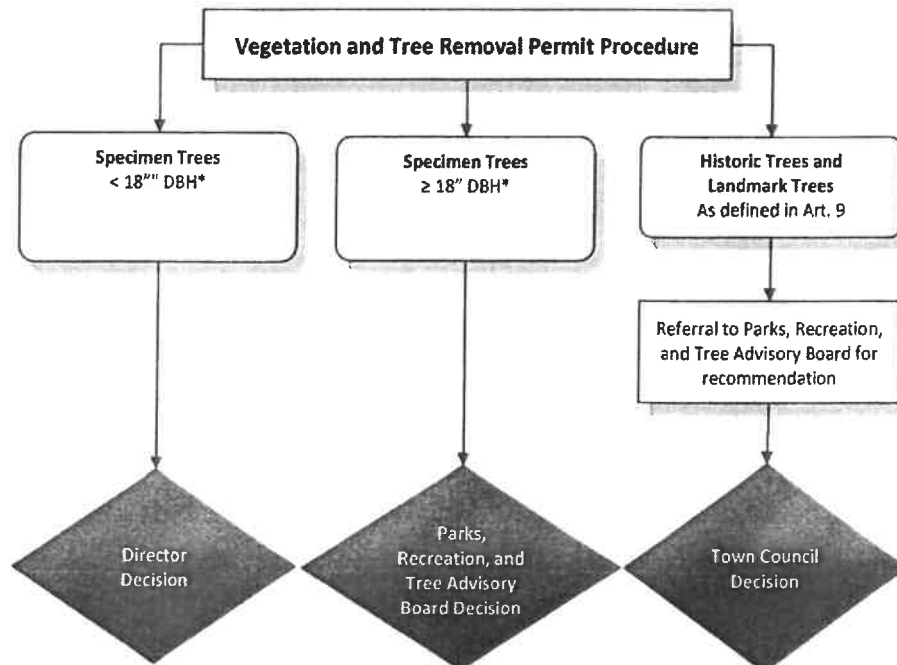
B. Vegetation and tree removal permitting.

1. *Permit application requirements.* Applications for vegetation/tree removal permits shall be submitted and reviewed in accordance with the standards in this section.

4.10.5 – Procedures (B-2) Historic and Specimen Tree Removal

Table 4-21 below establishes the review and decision-making authority for tree removal, including that of historic and specimen trees. Table 4-21 indicates whether the tree removal requires a referral to the parks, recreation, and tree advisory board (PRTAB) and/or town council. The "final decision maker" is agency or official with authority to approve, approve with conditions, or deny the proposed tree removal.

Figure 4.1B Vegetation and Tree Removal Permit Procedure



*DBH = Diameter at Breast Height



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2023-000689**

Case Type: **Code Enforcement**

Date Case Established: **09/13/2024**

Compliance Deadline: **10/04/2024**

Violation Notice

Table 4-21 Procedures for Historic or Specimen Trees

Tree Type/Size	Referral to PRTAB?	Final Decision-maker
Specimen trees < 18" DBH	No	Director
Any specimen tree ≥18" DBH	Yes	PRTAB
Historic trees and Landmark trees	Yes	Town Council

b. The removal of historic and specimen trees is subject to all provisions of this section, and the following procedures:

(1) Applications for the removal of historic and specimen trees ≥ 18 inches DBH are referred to the parks, recreation and tree advisory board. This board shall consider the application at its next scheduled meeting. If no meeting is scheduled or held within 31 days from submission of a substantially complete application, no referral is required. Applications submitted closer than two weeks prior to any scheduled parks, recreation and tree advisory board meeting shall be referred to the following scheduled meeting.

(2) Referral comments and review by a certified arborist or licensed landscape specialist may be obtained by the director at his/her discretion to determine the probable age, health, rarity, environmental value, and relative importance of preserving the specimen tree.

4.10.6 - Violations and appeals.

Right of redemption.

1. Upon notice of a violation, the property owner shall provide the necessary treatment and care to restore any damaged plants. The treatment plan and procedures must restore the plants to their normal growth and the original design intent within 90 days, or else the plants must be replaced.

a. Trees and vegetation removed without a permit shall be replaced pursuant to sections 4.10.3 and 4.10.4. However, tree replacement shall equal 100 percent of the total DBH of



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2023-000689**

Case Type: **Code Enforcement**

Date Case Established: **09/13/2024**

Compliance Deadline: **10/04/2024**

Violation Notice

the tree(s) removed. For example, a ten-inch DBH tree unlawfully removed would need to be replaced with four 2.5-inch DBH trees or other combination adding up to ten inches. Replacement vegetation must equal the mass and volume of vegetation removed.

b. Replacement landscaping and materials different from the original approved landscaping plans shall be approved by the town prior to installation.

2. Code enforcement action. Violations left uncorrected after 90 days are subject to code enforcement action and are punishable pursuant to LUDC article 8 and section 1-11 of the Code of Ordinances.

B. *Appeals.* Decisions of the parks, recreation and tree advisory board may be appealed to the town council. Appeals shall be in writing and submitted to the town within 15 days of the decision or action of the board. The town council will hear the appeal at its next available meeting.

Florida Statute 163.045 Tree pruning, trimming, or removal on residential property.—

(1) For purposes of this section, the term:

(a) “Documentation” means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.

(b) “Residential property” means a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction’s applicable land development regulations.

(2). A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

(3). A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(4). This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2023-000689**

Case Type: **Code Enforcement**

Date Case Established: **09/13/2024**

Compliance Deadline: **10/04/2024**

Violation Notice

Compliance Date: 10/04/2024

If you fail to cure the violations within the required deadline, or if the violations are cured and then recur, this case will be referred to the Town's Code Enforcement Board for a hearing. The next scheduled hearing for your case will be on October 28, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you have any questions related to this notice or intend to or have corrected the violation, please contact our office at 386-267-6676.

Kind Regards,

Rental Housing Inspector

7022-2410-0002-8689-8382

111 Beach St Ponce Inlet, FL 32127

7022-2410-0002-8689-8375

304 Cavanah Dr Holly Hill, FL 32117



Meeting Date: November 25, 2024

Agenda Item: 9-D

Report to Code Enforcement Board

Topic: Case #2024-728
Owner(s): Julie Glass
Property Address: 96 Oceanview Avenue
Alleged Violation(s): Line of sight requirements/corner lot

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: November 8, 2024

DATE OF MEETING: November 25, 2024

Case Number: 2024-728

Address: 96 Oceanview Avenue

Alleged Violation:
 Corner Lot Visibility / Line of Sight issues.

Land Use and Development Code
 Section 4.6.14 – Obstruction to visibility on corner lots

Code of Ordinances
 Section 70-6 – Maintenance of right-of-way by owners of abutting improved property.

Brief History:
 In September 2024, staff observed a line-of-sight issue at this property. When approaching the stop sign, drivers had to edge onto South Peninsula Drive to check for oncoming southbound traffic before proceeding.

On September 20, 2024, the owner was contacted and indicated she would trim the vegetation in accordance with the Town's code. However, after no action was observed, a formal notice of violation and hearing was issued a few days later.

On September 27, 2024, staff had followed up phone conversation with Ms. Glass, during which she mentioned receiving a notice from the post office regarding a letter from the Town. I explained that the letter was from our department, formally notifying her to clear the vegetation causing line-of-sight issues for traffic.

After several additional weeks of non-compliance, staff posted a formal hearing notice on the property on November 1, 2024.

As of the date of this memorandum, the violation remains unresolved, and there has been no further contact with the owner.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida Statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000728**

Case Type: **Code Enforcement**

Date Case Established: **09/20/2024**

Compliance Deadline: **10/21/2024**

Violation Notice

Owner/Violator: Julie Glass

Mailing Address

96 Oceanview Avenue
Ponce Inlet, FL 32127

Notice of Violation for the following location:

Address

96 OCEANVIEW AV
PONCE INLET, FL 32127

Parcel

34161903000520

This violation letter is to advise you that staff has observed a violation on the property in which according to Volusia County Property Appraiser's Office, this property is owned by you.

This is the fourth documented violation since 2021 (case numbers 2021-095, 2022-504, 2023-236 & 2024-728). Each instance we discussed the line-of-sight issue looking north from Oceanview Avenue onto South Peninsula Drive.

The violation and how to correct are:

- 1 – Corner lot visibility
- 2 – Vegetation blocking stop sign

How to correct:

Item number 1 – remove all vegetation off the right of way from your property line, 25 feet back from intersection corners of your property line down Oceanview Avenue side as well as South Peninsula side.

Item number 2 – correction of item number 1 will resolve this violation

You are hereby cited with the following adopted sections of Town code.

Land Development Code

Section 4.6.14 – Obstruction to visibility on corner lots

A. On any corner lot, no structure or shrubbery shall obstruct vision at the street intersection. Structures and shrubbery shall be kept clear within a visual clearance triangle extending 25 feet back from the corner of the intersecting right-of-way lines, between three and ten feet in height above the centerline grades of adjacent streets. If the right-of-way lines are not discernible, the triangle may be measured from the curb, or the edge of street pavement if no curb is present. In such cases, the director may require the size of the visual clearance triangle to be increased, up to a maximum of 35 feet.

B. The director, upon recommendation of the chief of police, may relax restrictions of this section or impose



Town of Ponce Inlet
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000728**

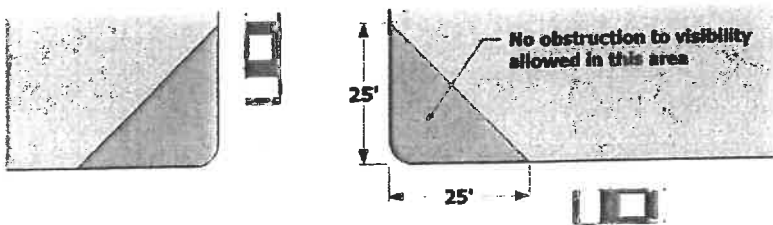
Case Type: **Code Enforcement**

Date Case Established: **09/20/2024**

Compliance Deadline: **10/21/2024**

Violation Notice

additional restrictions upon the height or location of structures and shrubbery that impair visibility at the intersection.



Street Intersection

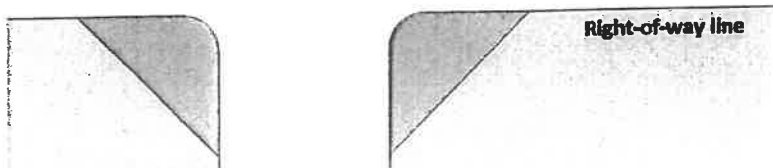


Figure 4-11 Corner Lot Visibility

Code of Ordinance

Section 70-6 - Maintenance of right-of-way by owners of abutting improved property.

- (a) Except as otherwise provided in this section, or in a development order or condition of plat approval, the town is responsible for maintaining its rights-of-way. This includes sodding, cutting grass and weeds, and trimming trees and vegetation.
- (b) It shall be the duty of all owners of improved real property to properly maintain the unpaved portions of the rights-of-way, including the buffer strips, defined in section 70-81, which abut their property. Grass, weeds, flowers, vines, shrubbery, and any foliage in the buffer strip and unpaved right-of-way abutting the improved real property shall be cut, mowed, and trimmed pursuant to the applicable requirements of the Tree and Native Vegetation Preservation, Buffers and Landscape Requirements of the Land Use and Development Code. Property owners shall trim and maintain the bottom six feet of the trees in the rights-of-way abutting their improved property, measured from the trees' bases at actual grade. Planting of trees and vegetation other than grass is prohibited unless authorized by the town manager or his or her designee pursuant to sections 70-91 and 70-92.
- (c) Owners of improved corner lots shall maintain such lots in a manner which prevents obstructions to visibility as described in section 5.6.6. of the Land Use and Development Code.
- (d) Every owner of improved property shall remove any refuse or other debris existing within the adjacent right-of-way and buffer strip, but the placement of refuse for collection in a manner and in a container as specified by other provisions of this Code is not prohibited.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000728**

Case Type: **Code Enforcement**

Date Case Established: **09/20/2024**

Compliance Deadline: **10/21/2024**

Violation Notice

(e) No person shall remove any tree from any buffers strips or the public right-of-way unless written permission is requested from and approval granted by the town manager or his or her designee.

Code of Ordinance

Section 70-92 – Landscaping materials in right-of-way

- (a) The installation and retention of landscape materials shall be authorized only upon the issuance of a landscape license. The town council may, by resolution, establish town policy regarding landscaping in rights-of-way and fees for applications for landscape licenses.
- (b) The public works director and or his designee shall have authority to review applications for landscape licenses and grant landscape licenses. If the public works director and or his designee denies an application for a landscape license, the applicant may appeal to the town council for review of the determination. Any appeal shall be filed with the town clerk's office within 30 days after the date of the public works director and or his designee's decision.
- (c) The permission to install or maintain landscaping materials in accordance with this section or town policy shall not prevent the town from removing any landscaping materials from a right-of-way whenever it is determined that such landscaping materials present an imminent or substantial threat to public health, safety, or welfare, or that use of the right-of-way is necessary.

Compliance Date: 10/21/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for October 28, 2024, at 9:30 am, located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please do not hesitate to contact my office.

Kindest Regards,

David Hooker, CEP
Code Compliance Manager

Certified Mail
7022-3330-0001-2567-6265



Meeting Date: November 25, 2024

Agenda Item: 9-E

Report to Code Enforcement Board

Topic: Case #2024-758
Owner(s): Ashley Beck
Property Address: 76 Glenview Avenue
Alleged Violation(s): Work without permits

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: November 8, 2024

DATE OF MEETING: November 25, 2024

Case Number: 2024-758

Address: 76 Glenview Avenue

Alleged Violation:
 Installation of an air conditioning unit without permits.

Florida Building Code
 Section 105.1 – Required

Brief History:

On October 8, 2024, staff observed an air conditioning being installed at the property. Upon contacting the installer and verifying with the Town’s permitting office, it was confirmed that no permit had been applied for.

Staff informed the contractor that a permit was required, and the contractor indicated they would obtain the necessary permits. Attempts to reach the property owner were also made, but no response was received.

After an eight-day grace period (October 16, 2024), staff sent a formal notice of violation/ hearing to the ownership, which they received on October 28, 2024.

As of the date of this memorandum, no permit has been applied for and there has been no further contact with the owner.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000758**

Case Type: **Code Enforcement**

Date Case Established: **10/08/2024**

Compliance Deadline: **10/30/2024**

Violation Notice

Owner: Ashley Marie Beck
John Hinton
Darlene Beck Hinton

Mailing Address

76 Glenview Ave
Ponce Inlet, FL 32127

Notice of Violation for the following location:

Address

76 GLENVIEW AVE
PONCE INLET, FL 32127

Parcel

641903001830

This violation letter is to inform you that staff has observed a violation at that the property, which according to Volusia County Property Appraiser's Office, is owned by you located in Ponce Inlet, Florida.

The violation and how to correct are as follows:

Air conditioner installed without required permit and inspection

How to correct: Secure permit for installed air conditioner. Secure necessary inspection from the town.

You are hereby cited with the following adopted sections of Town Code.

Florida Building Code

Section 105.1 - Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000758**

Case Type: **Code Enforcement**

Date Case Established: **10/08/2024**

Compliance Deadline: **10/30/2024**

Violation Notice

Compliance Date: 10/30/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for November 25, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien pf your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

7018-2290-0001-0055-4567 Ponce Inlet, FL 32127



Meeting Date: November 25, 2024

Agenda Item: 9-F

Report to Code Enforcement Board

Topic: Case #2024-833
Owner(s): Donna Loggie
c/o Loggie Family Qualified Residence Trust
Property Address: 4699 South Atlantic Avenue
Alleged Violation(s): Work without permits

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: November 8, 2024
DATE OF MEETING: November 25, 2024

Case Number: 2024-833
Address: 4699 South Atlantic Avenue

Alleged Violation:
 Stairs and roof top deck installed without permits.

Florida Building Code
 Section 105.1 – Required

Brief History:

On October 22, 2024, staff observed a crane placing a metal staircase in a protected vegetation area at the Oceanview Avenue beach parking lot. The contractor was contacted regarding the unpermitted work, resulting in a stop work order being issued. The contractor stated that he would apply for the necessary permits.

A formal notice of violation was issued on October 24, 2024, with a compliance deadline of November 7, 2024, for submitting the required permit application.

To date, no permit application has been submitted for the work that has been carried out.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000833**

Case Type: **Code Enforcement**

Date Case Established: **10/22/2024**

Compliance Deadline: **11/07/2024**

Violation Notice

Owner: Donna Loggie
Loggie Family Qualified Residence Trust

Mailing Address
482 Lakewood Drive
Winter Park, FL 32789

Notice of Violation for the following location:

Address:	Parcel
4699 S ATLANTIC AVE PONCE INLET, FL 32127	641904000170

This violation letter is to inform you that staff has observed a violation at that the property, which according to Volusia County Property Appraiser's Office, is owned by you located in Ponce Inlet, Florida.

The violation and how to correct are as follows:

Constructed stairs and rooftop deck being installed without required permits.

How to correct: Secure permit for stairs and rooftop deck. Secure necessary inspections from the town.

You are hereby cited with the following adopted sections of Town Code.

Florida Building Code

Section 105.1 - Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000833**

Case Type: **Code Enforcement**

Date Case Established: **10/22/2024**

Compliance Deadline: **11/07/2024**

Violation Notice

Compliance Date: 11/07/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for November 25, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

A handwritten signature in black ink that reads "Travis Mincey".

Travis Mincey
Rental Housing Inspector

Certified Mail:

7022-2410-0002-8689-8429 4699 S Atlantic Ave Ponce Inlet, FL 32127

7022-2410-0002-8689-8436 482 Lakewood Dr Winter Park, FL 32789